



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE, NY 11553

COPY MAILED

NOV 21 2005

In re Application of	:	OFFICE OF PETITIONS
Kim et al.	:	
Application No. 09/382,443	:	
Filed: August 25, 1999	:	ON PETITION
Title of Invention:	:	
REVERSE CLOSED LOOP POWER	:	
CONTROL IN CONTROL HOLD STATE	:	
FOR CDMA COMMUNICATION SYSTEM	:	

This is a decision on the Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181, filed October 3, 2005.

The petition is **granted.**

The above-identified application became abandoned for failure to timely reply to the final Office action, mailed September 1, 2004. The Office action set a three (3) month period for reply. No reply having been received, the above-identified application became abandoned December 2, 2004. A Notice of Abandonment was mailed August 19, 2005.

Applicant's Assertion

Applicant asserts that a timely reply to the Office action including, *inter alia*, a Request for a two (2) month extension of time, and fee, and a Request for Continued Examination ("RCE") and fee, were timely filed and received in this Office on February 24, 2005. In support of this assertion, Applicant provides, *inter alia*, copies of the Request for a two (2) month extension of time and RCE, and authorization to charge deposit account 04-1121 the extension of time fee and RCE fees. The Request for Extension of Time and RCE both contain Certificates of Mailing certifying that that the Extension of time and RCE were mailed to this Office on February 22, 2004. In further support of his assertion, Applicant provides a copy of his return-receipt postcard.

A review of the return-receipt postcard reveals that this Office did receive the Request for Extension of Time and RCE on February 4, 2004.

A review of the copy of the RCE request filed with the petition reveals that the application serial number thereon is 09/328,443, and not 09/382,443. A review of the copy of the Request for Extension of Time filed with the petition reveals that it contains application serial number 09/382,443.

A further review of Office records reveals that, while the fee for an extension of time was correctly charged Applicant's deposit account and to application 09/382,443, the fee for the RCE was charged to applicant's deposit account, but to application 09/328,443.

Moreover, a review of Office records reveal that an RCE was filed in application 09/328,443 on February 24, 2004.

Apparently the RCE was filed in this Office on February 24, 2004, and due to errors on the part of Applicant and this Office, was inadvertently placed in application serial number 09/328,443. Accordingly, the petition is granted.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No petition fee has been charged, and none is due.

The application file is being referred to Technology Center Art Unit 2683 for continued processing in due course. The submission, in the form of an amendment, was filed on December 2, 2004 (Certificate of Mailing dated November 30, 2004).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3232.


Derek L. Woods

Attorney
Office of Petitions